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October 17, 2012

**By ECF**

The Honorable Cathy L. Waldor, U.S.M.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: *In re Merck & Co., Inc. Secs., Deriv. and ERISA Litig.,*  
Civil Action No. 05-2367 (SRC)(CLW)

Dear Judge Waldor:

We write on behalf of the Lead Plaintiffs in this consolidated securities class action to request an extension until next Wednesday, October 24, 2012, for Lead Plaintiffs to respond to Defendants' October 16, 2012 letter to Your Honor moving to quash Plaintiffs' subpoena on Cornerstone Research.

First, contrary to Your Honor's Individual Practices and Local Rule 37.1, Defendants did not meet and confer with Plaintiffs on the issues they raise in their letter before they submitted it.<sup>1</sup> In fact, shortly after first receiving Cornerstone's responses and objections to Plaintiffs' subpoena this past Friday, Plaintiffs scheduled the first meet-and-confer on the issue with Cornerstone Research for tomorrow at 4:00 p.m., which is approximately one hour before Plaintiffs' response to Defendants' letter would be due under Your Honor's Individual Practices without the requested extension. Plaintiffs attempted to schedule that meet-and-confer earlier this week but were told that the relevant attorneys from Cornerstone were unavailable, only to be surprised by the Defendants' letter. Second, Plaintiffs' subpoena on Cornerstone seeks documents that are highly relevant to Plaintiffs' reply brief in further support of their motion for class certification. Judge Chesler already extended Plaintiffs' deadline for filing that brief by 30 days on Plaintiffs' request so that the instant issues concerning Cornerstone could be resolved.

<sup>1</sup> L.Civ.R. 37.1(a)(1) ("Counsel shall confer to resolve any discovery dispute. Any such dispute not resolved shall be presented by telephone conference call or letter to the Magistrate Judge. This presentation shall precede any formal motion.").

The Honorable Cathy L. Waldor, U.S.M.J.

October 17, 2012

Page 2

Accordingly, Plaintiffs' requested extension will allow the parties to attempt to further narrow the issues in dispute before Plaintiffs file their response to Defendants' October 16 letter.

We are available at the Court's convenience to discuss these matters further.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO

/s/ James E. Cecchi

JAMES E. CECCHI

cc: All Counsel (by ECF)